

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-084*

13 **ROSELYN ELIZABETH CORONA**
14 **41113 Royal Sunset Road**
Lake Elsinore, CA 92532

A C C U S A T I O N

15 **Registered Nurse License No. 794099**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 14, 2011, the Board of Registered Nursing issued Registered
24 Nurse License Number 794099 to Roselyn Elizabeth Corona (Respondent). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on May 31, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order

1 to fix the degree of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

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11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the record of
13 the conviction shall be conclusive evidence thereof.

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15 10. Section 2762 of the Code states:

16 In addition to other acts constituting unprofessional conduct within the meaning
17 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
18 licensed under this chapter to do any of the following:

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20 (b) Use any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
22 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
23 dangerous or injurious to himself or herself, any other person, or the public or to the
24 extent that such use impairs his or her ability to conduct with safety to the public the
25 practice authorized by his or her license.

26 (c) Be convicted of a criminal offense involving the prescription, consumption,
27 or self-administration of any of the substances described in subdivisions (a) and (b) of
28 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

. . . .

11. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere
made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the

1 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
2 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

3 REGULATORY PROVISIONS

4 12. California Code of Regulations, title 16, section 1444, states:

5 A conviction or act shall be considered to be substantially related to the
6 qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a
7 manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

8 (a) Assaultive or abusive conduct including, but not limited to, those violations
9 listed in subdivision (d) of Penal Code Section 11160.

10 (b) Failure to comply with any mandatory reporting requirements.

11 (c) Theft, dishonesty, fraud, or deceit.

12 (d) Any conviction or act subject to an order of registration pursuant to Section
290 of the Penal Code.

13 13. California Code of Regulations, title 16, section 1445 states:

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15 (b) When considering the suspension or revocation of a license on the grounds
16 that a registered nurse has been convicted of a crime, the board, in evaluating the
rehabilitation of such person and his/her eligibility for a license will consider the
17 following criteria:

18 (1) Nature and severity of the act(s) or offense(s).

19 (2) Total criminal record.

20 (3) The time that has elapsed since commission of the act(s) or offense(s).

21 (4) Whether the licensee has complied with any terms of parole, probation,
restitution or any other sanctions lawfully imposed against the licensee.

22 (5) If applicable, evidence of expungement proceedings pursuant to Section
23 1203.4 of the Penal Code.

24 (6) Evidence, if any, of rehabilitation submitted by the licensee.

25 COSTS

26 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(June 18, 2012 Criminal Conviction for DUI on October 9, 2011)**

6 15. Respondent has subjected her license to disciplinary action under sections 490 and
7 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
8 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
9 follows:

10 a. On or about June 18, 2012, in a criminal proceeding entitled *People of the State*
11 *of California v. Roselyn Elizabeth Corona, aka Roselynn Elizabeth Corona, aka Roselynn*
12 *Elizabeth Krautch*, in Riverside County Superior Court, case number SWM1108253, Respondent
13 was convicted on her plea of guilty of violating Vehicle Code section 23152, subdivision (b),
14 driving with a blood alcohol concentration (BAC) of 0.08% or more, a misdemeanor. The court
15 found true the enhancement that Respondent's BAC was .15% or more, within the meaning of
16 Vehicle Code section 23578. The court dismissed an additional count of driving under the
17 influence of alcohol (Veh. Code, § 23152, subd. (a)), pursuant to a plea agreement.

18 b. As a result of the conviction, on or about June 18, 2012, Respondent was
19 granted 36 months summary probation, and ordered to serve 18 days in the custody of the
20 Riverside County Sheriff, with credit for one day, to be served under electronic monitoring.
21 Respondent was further ordered to pay fees, fines, and restitution in the amount of \$2,304,
22 complete a First Offender Drinking Driver Program, and comply with standard alcohol
23 conditions. The court assessed Respondent's BAC as .18 percent.

24 c. The facts that led to the conviction are that on or about October 9, 2011, at four
25 o'clock in the morning, patrol officers with the California Highway Patrol (CHP) were in the area
26 of Temecula when they observed a vehicle, driven by Respondent, drifting back and forth in her
27 lane of travel. After conducting a traffic stop, the CHP officers made contact with Respondent,
28 who was the sole occupant. The officer noted that Respondent's speech was thick and slurred;

1 she stated that she was very tired and that she had worked several 12-hour shifts without a day
2 off. Respondent also told the officers that her shift had ended at 11:00 p.m. (five hours earlier).
3 Respondent's eyes were red and watery, and there was an odor of alcohol present. Respondent
4 denied having consumed alcohol. Respondent was unable to complete the field sobriety tests as
5 explained and demonstrated by the officers, and she was arrested for driving under the influence.
6 Respondent provide breath and blood samples which were analyzed with a BAC of .18%.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Use of Alcohol in a Dangerous Manner)**

9 16. Respondent has subjected her registered nurse license to disciplinary action under
10 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about October
11 9, 2011, as described in paragraph 15, above, Respondent used alcoholic beverages to an extent or
12 in a manner that was dangerous to herself, and to others in that she operated a motor vehicle while
13 significantly impaired.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Conviction of an Alcohol-Related Criminal Offense)**

16 17. Respondent has subjected her registered nurse license to disciplinary action under
17 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about June 18,
18 2012, as described in paragraph 15, above, Respondent was convicted of a criminal offense
19 involving the consumption of alcohol.

20 **DISCIPLINARY CONSIDERATIONS**

21 18. To determine the degree of discipline, if any, to be imposed on Respondent, pursuant
22 to California Code of Regulations, title 16, section 1445, subdivision (b), Complainant alleges the
23 following:

24 a. On or about the early morning of May 2, 2010, deputies from the Riverside
25 County Sheriff's Department were dispatched to a disturbance at a Lake Elsinore bowling alley.
26 Upon arrival, the deputies observed Respondent and a male who appeared to be fighting in their
27 vehicle. The officers ordered the male away from the vehicle. Respondent ignored directions to
28 stay inside the vehicle and lunged at a deputy with her arms raised. The deputy grabbed

1 Respondent's arm to avoid being hit; Respondent yelled expletives at the deputy and attempted to
2 pull herself free. The deputy had to take Respondent to the ground forcibly in order to place
3 handcuffs on her. Respondent had a strong odor of alcohol on her breath, her eyes were
4 bloodshot and watery, and her speech was slurred. The bowling alley security guard stated that
5 Respondent and her male companion were kicked out of the bowling alley for disorderly conduct.
6 The deputy concluded that Respondent was under the influence of alcohol and unable to care for
7 herself. Respondent was transported to a local hospital for medical attention and was then
8 booked for public intoxication and resisting/obstructing an officer. Respondent told the officer
9 that she was a nurse. She stated that she hoped the officer would die and that his kids would die,
10 and that she would not help them.

11 b. As a result of the arrest, in a criminal proceeding entitled *People of the State of*
12 *California v. Roselyn Elizabeth Corona, aka Roselynn Elizabeth Corona*, in Riverside County
13 Superior Court, case number SWM10005413, Respondent pled guilty to violating Penal Code
14 section 415(2), disturbing the peace, an infraction, a count added by interlineation which
15 dismissed the original count of resisting/obstructing an officer (Pen. Code, § 148, subd. (a)(1)), a
16 misdemeanor.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 794099, issued to
5 Roselyn Elizabeth Corona;

6 2. Ordering Roselyn Elizabeth Corona to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.
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12 DATED: February 27, 2013

for Stacie Bern
13 LOUISE R. BAILEY, M.ED., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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